

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Smartmatic USA Corp.,  
Smartmatic International Holding B.V.,  
SGO Corporation Limited,

Case No. 22-cv-98 (WMW /JFD)

Plaintiffs,

v.

**ORDER/NOTICE OF  
PRETRIAL CONFERENCE**

Michael J. Lindell, My Pillow, Inc.,

Defendants.

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Pursuant to Rule 16(a) of the Federal Rules of Civil Procedure, a pretrial conference will be held on **October 12, 2022, at 10:00 a.m.** before United States Magistrate Judge John Docherty. The pretrial conference will be held via Zoom using audio only (no video). The Court will send an email with Zoom instructions prior to the date of hearing.

Counsel must meet before the scheduled pretrial conference pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26.1. No later than **October 5, 2022**, the parties must prepare and file a joint Rule 26(f) Report in compliance with the rules using the attached Rule 26(f) template. A copy of the 26(f) Report in Word format should be emailed to Magistrate Judge Docherty at docherty\_chambers@mnd.uscourts.gov at the time of the joint filing.

**In addition to the Rule 26(f) Report, each party must email no later than October 5, 2022, to Magistrate Judge Docherty's chambers a 1-2 page confidential letter setting forth what settlement discussions have taken place, whether and when the party believes a settlement conference or private mediation might be productive, and what discovery might be needed to maximize the chances of reaching a settlement in such a conference.**

The parties' Rule 26(f) Report must include a proposed discovery plan as required by Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26.1. The parties must review and address each of the matters set forth in Fed. R. Civ. P. 26(f)(3)(A)–(F) and design a discovery plan that is appropriate for the circumstances of this case. Counsel

should review the Court's Guide, "Discussion of Electronic Discovery at Rule 26(f) Conferences: A Guide for Practitioners," available at <https://www.mnd.uscourts.gov/sites/mnd/files/eDiscovery-Guide.pdf>. The discovery schedule and limitations included in the template are intended to guide the parties and will be useful in the ordinary case. However, the parties are encouraged to reach agreement upon, and suggest to the Court, a discovery plan that takes into account the unique circumstances of the individual case, and to modify the template whenever needed.

If the parties cannot reach agreement on any particular item regarding scheduling or discovery, they should set forth their separate positions in the Rule 26(f) Report for discussion at the pretrial conference.

Lead counsel should be present for the conference and have authority to discuss all aspects of the 26(f) Report and scheduling conference topics. If this is not possible, substitute counsel with knowledge about the case and Report should be arranged.

If any party does not have counsel of record in this case, it is the responsibility of counsel for a represented party to immediately notify unrepresented parties of this conference and of the requirements set forth in this Notice.

Failure by any party or counsel to comply with any part of this Notice, including timely submission of the Rule 26(f) Report and settlement letter to Magistrate Judge Docherty, may result in the postponement of the pretrial conference, an imposition of an appropriate sanction on the party, company, or attorney who failed to comply, or both.

Judge Docherty's Practice Pointers are available on the U.S. District Court's Website: <https://www.mnd.uscourts.gov/JFD>. Counsel should contact Magistrate Judge Docherty's Courtroom Deputy at 651-848-1180, with respect to any matters concerning the pretrial conference.

Date: September 20, 2022

*s/ John F. Docherty*

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JOHN F. DOCHERTY

United States Magistrate Judge